

GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
(DEPARTMENT OF PENSION & PENSIONERS' WELFARE)

RAJYA SABHA
UNSTARRED QUESTION NO. 4121
(TO BE ANSWERED ON 07.04.2022)

DECISION REGARDING OLD PENSION SCHEME

4121 SHRI NEERAJ SHEKHAR:

Will the **PRIME MINISTER** be pleased to state:

- (a) the names and designation of competent authority who has decided to go against the advice of Department of Legal Affairs to abide by the directions of Apex Court regarding exclusion of employees whose advertisements for recruitment were issued before 01/01/2004 from purview of NPS and to cover under OPS, who otherwise may face personal contempt before the Apex Court; and
- (b) the details of reasons placed on record for taking such a decision and to deny general orders which is against advice and jurisprudence and causing embarrassing situation for Government?

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS AND MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE
(DR. JITENDRA SINGH)**

(a) & (b): Hon'ble High Court have allowed benefit of old pension scheme in respect to some Government servants whose selection process was completed after 01/01/2004. After dismissal of SLPs / Review Petitions filed by Union of India, by the Hon'ble Supreme Court in these cases, it was decided to implement the orders of Hon'ble High Court.

There is no decision to go against the advice of Department of Legal Affairs in this respect.
